IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 16086 of 2007
With
SPECIAL CIVIL APPLICATION No. 16089 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAGDISHBHAI CHHITUBHAI - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :[SCA No.16086/2007]
MR SP MAJMUDAR for Petitioner(s) : 1,
MR NEERAJ SONI A.G.P. for Respondent(s) : 1,
MR RM CHHAYA for Respondent(s) : 2,
MR RR MARSHALL for Respondent(s) : 3,

Appearance :[SCA No.16089/2007]
MR SP MAJMUDAR for Petitioner(s) : 1,
MRS FALGUNI PATEL A.G.P. for Respondent(s) : 1,
MR RM CHHAYA for Respondent(s) : 2,
MR RR MARSHALL for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 20/07/2007

ORAL COMMON JUDGMENT

1. **RULE**. Mr. Neeraj Soni learned A.G.P., waives service of rule on behalf of respondent no. 1 in Special Civil Application No. 16086/2007 and Mrs. Falguni Patel learned A.G.P., waives service of rule on behalf of respondent no. 1 in Special Civil Application No. 16089/2007, learned advocate Mr. Chhaya waives service of rule on behalf of respondent no. 2 and learned advocate Mr. Marshall waives service of rule on behalf of respondent no. 3. With the consent of the parties, the matter is taken up for final hearing today itself. All these petitions involve the same set of facts, therefore, they are heard together and they are now being disposed of by this common judgment.

2. The grievance of the petitioners is that their agricultural lands have been acquired by the respondents, but they have not been paid compensation for the crop as well as trees grown on the said lands. It is also the say of the petitioners that in pursuance of the policy of the respondents, the land users like the petitioners are required to be given employment by the acquiring body like respondent no. 3. However, that has also not been done. Hence, these petitions.

3. I have heard Mr. S.P. Majmudar learned advocate for the petitioners and Mr. Neeraj Soni learned A.G.P.,

appearing for respondent no. 1 in Special Civil Application No. 16086/2007 and Mrs. Falguni Patel learned A.G.P., for respondent no. 1 in Special Civil Application No. 16089/2007, Mr. Chhaya learned advocate for respondent no. 2 and Mr. Marshall learned advocate for respondent no. 3. I have carefully perused the record of these petitions. It appears from it that for the present the reliefs as prayed for in the petitions cannot be granted by this Court. However, the petitioners can make appropriate representations to the concerned authority for redressal of their grievance. In view of the same, the following directions:-

3.1. The petitioners if they so chose, can make representations to the concerned respondents within 15 days of this judgment. In the representation they can request the respondents for grant of both the reliefs. As and when the representations are received by the respondents, they will take appropriate decision thereon within two months from the receipt of the representations. The petitioners may select one of them as their representative, who can remain present before the respondents and put forward their case to them. The respondents will grant personal hearing to the representative of the petitioners and the date of hearing will be intimated to the representative of the

petitioners at least one week prior to the date of hearing. The decision that may be taken on the representations, may be intimated to the petitioners within 15 days from the date of the decision. The petitioners are granted liberty to approach this Court in case the decision is adversely affecting them.

4. Rule is made absolute to the aforesaid extent with no order as to costs. Considering the facts of the case, direct service is permitted.

[Akshay H. Mehta, J.]

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